

# DISTRICT COURT OF DILI

## BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

Case No: BO-11-99-SC



### INDICTMENT

## THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

Against

#### TNI

Lt Col. Burhanuddin Siagian (1)  
Lt Col Bambang G. Supryanto (2)  
Lt Sutrisno a.k.a. Trisno (3)  
Lt M. Yusuf (4)  
Rizal (SGI) (5)  
Sgt Domingos Dos Santos (6)  
Sgt Juliao Lopes (7)  
Sgt Mau Buti (8)  
Sgt Manuel Lopes (9)  
Sgt Frederico M. Pires (10)  
Sgt Jose Bere Laka (11)  
Sgt Alvaro Mali (12)  
Sgt Francisco Fernandes (13)  
Sgt Miguel Soares (14)  
Sgt Jose Simao (15)  
Cpl Rui Bere Tai (16)  
Cpl Romeu Da Silva (17)  
PNS Domingos Dos Santos De Carvalho (18)

#### POLRI

Maj. (Pol) Budi Susilo (19)  
Sgt (Pol) Clementino Da Costa (20)

#### CIVILIAN ADMINISTRATION

Guilherme Dos Santos (21)

#### MILITIA

Joao Da Silva Tavares (22)  
Jorge Tavares (23)  
Natalino Monteiro Goncalves (24)  
Marcos Tato Mali (25)

Ruben Tavares (26)  
Ruben Monteiro Goncalves (27)  
Antonio De Jesus (28)  
Inacio De Concencao (29)  
Joao (LNU) a.k.a. Laho (30)  
Luis Cardoso (31)  
Armando Soares (32)  
Joao Coli (33)  
Alfredo Asa Mau (34)  
Francisco Bere Masak (35)  
Fernando (LNU) a.k.a. Nando (36)  
Jacinto (LNU) (37)  
Joao Baptista (38)  
Joao Kometa (39)  
Jose Soares (40)  
Luis Mali Dao (41)  
Marito Moreira (42)  
Mateus Moniz (43)  
Leonito Martins (44)  
Manuel Cancel (45)  
Rui Kele (46)  
Elias Pereira (47)  
Afonso Davidson (48)  
Leonito Moniz (49)  
Mau Xesta (50)  
Bernardino (LNU) (51)  
Zernias (LNU) (52)  
Zeprino (LNU) (53)  
Joao Dos Santos Nunes (54)  
Aprecio Mali Dao (55)  
Daniel (LNU) (56)  
Baptista De Sousa (57)

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## I. INDICTMENT

The Acting Deputy General Prosecutor for Serious Crimes, pursuant to his authority under UNTAET Regulations 2000/16 and 2000/30 as amended by 2001/25 charges:

### TNI

Lt Col. Burhanuddin Siagian (1)  
Lt Col Bambang G. Supryanto (2)  
Lt Sutrisno a.k.a. Trisno (3)  
Lt M. Yusuf (4)  
Rizal (SGI) (5)  
Sgt Domingos Dos Santos (6)  
Sgt Juliao Lopes (7)  
Sgt Mau Buti (8)  
Sgt Manuel Lopes (9)  
Sgt Frederico M. Pires (10)  
Sgt Jose Bere Laka (11)  
Sgt Alvaro Mali (12)  
Sgt Francisco Fernandes (13)  
Sgt Miguel Soares (14)  
Sgt Jose Simao (15)  
Cpl Rui Bere Tai (16)  
Cpl Romeu Da Silva (17)  
PNS Domingos Dos Santos De Carvalho (18)

### POLRI

Maj. (Pol) Budi Susilo (19)  
Sgt (Pol) Clementino Da Costa (20)

### CIVILIAN ADMINISTRATION

Guilherme Dos Santos (21)

### MILITIA

Joao Da Silva Tavares (22)  
Jorge Tavares (23)  
Natalino Monteiro Goncalves (24)  
Marcos Tato Mali (25)

Ruben Tavares (26)  
Ruben Monteiro Goncalves (27)  
Antonio De Jesus (28)  
Inacio De Concencao (29)  
Joao (LNU) a.k.a. Laho (30)  
Luis Cardoso (31)  
Armando Soares (32)  
Joao Coli (33)  
Alfredo Asa Mau (34)  
Francisco Bere Masak (35)  
Fernando (LNU) a.k.a. Nando (36)  
Jacinto (LNU) (37)  
Joao Baptista (38)  
Joao Kometa (39)  
Jose Soares (40)  
Luis Mali Dao (41)  
Marito Moreira (42)  
Mateus Moniz (43)  
Leonito Martins (44)  
Manuel Cancil (45)  
Rui Kele (46)  
Elias Pereira (47)  
Afonso Davidson (48)  
Leonito Moniz (49)  
Mau Xesta (50)  
Bernardino (LNU) (51)  
Zernias (LNU) (52)  
Zeprino (LNU) (53)  
Joao Dos Santos Nunes (54)  
Aprecio Mali Dao (55)  
Daniel (LNU) (56)  
Baptista De Sousa (57)

With

## CRIMES AGAINST HUMANITY:

### MURDER, ATTEMPTED MURDER, TORTURE and PERSECUTION

As set forth in this indictment.



## II. NAMES AND PARTICULARS OF THE ACCUSED

1. Name: **Burhanuddin SIAGIAN**  
Place of birth: Republic of Indonesia  
Age/Date of birth: between 45-50  
Sex: Male  
Nationality: Indonesian  
Address: Believed to live in Republic of Indonesia  
Occupation at the time: TNI Lieutenant Colonel, Commander of the District Military Command, KODIM 1636 in Maliana
2. Name: **Bambang G. SUPRYANTO**  
Place of birth: Republic of Indonesia  
Age/Date of birth: unknown  
Sex: Male  
Nationality: Indonesian  
Address: Believed to live in Republic of Indonesia  
Occupation at the time: TNI Lieutenant Colonel, Commander of the District Military Command, KODIM 1636 in Maliana
3. Name: **SUTRISNO a.k.a. TRISNO**  
Place of birth: Originally from Java, Republic of Indonesia  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: Indonesian  
Address: Believed to live in Republic of Indonesia  
Occupation at the time: TNI Lieutenant, Chief of the Intelligence Section of KODIM 1636 in Maliana
4. Name: **M. YUSUF**  
Place of birth: Unknown  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: Indonesian  
Address: Believed to live in Republic of Indonesia  
Occupation at the time: TNI Lieutenant, Chief of Operation of KODIM 1636 in Maliana
5. Name: **RIZAL**  
Place of birth: Unknown  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: Indonesian  
Address: Believed to be in the Republic of Indonesia  
Occupation at the time: SGI soldier placed in Maliana

6. Name: **Domingos DOS SANTOS a.k.a. METAN a.k.a. AMBON**  
Place of birth: East Timor  
Age/Date of birth: Approximately 45 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in the Republic of Indonesia  
Occupation at the time: TNI Sergeant, Intelligence Section of KODIM 1636 in Maliana
7. Name: **Juliao LOPES a.k.a. GOMES**  
Place of birth: East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in the Republic of Indonesia  
Occupation at the time: TNI Sergeant, Intelligence Section of KODIM 1636 in Maliana
8. Name: **MAU BUTI**  
Place of birth: Originally from Balibo, East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in the Republic of Indonesia,  
Occupation at the time: TNI Sergeant, Intelligence Section of KODIM 1636 in Maliana.
9. Name: **Manuel LOPES**  
Place of birth: East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in the Republic of Indonesia,  
Occupation at the time: TNI Sergeant, Intelligence Section of KODIM 1636 in Maliana
10. Name: **Frederico M. PIRES**  
Place of birth: East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in the Republic of Indonesia,  
Occupation at the time: TNI Sergeant, Intelligence Section of KODIM 1636 in Maliana.

11. Name: **Jose BERE LAKA**  
Place of birth: East Timor  
Age/Date of birth: Approximately 35 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in the Republic of Indonesia.  
Occupation at the time: TNI Sergeant, Intelligence Section of KODIM 1636 in Maliana.
12. Name: **Alvaro MALI**  
Place of birth: East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in the Republic of Indonesia  
Occupation at the time: TNI Sergeant, KORAMIL 1636-01 in Maliana.
13. Name: **Francisco FERNANDES a.k.a. Sico MAUMETA**  
Place of birth: East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in the Republic of Indonesia  
Occupation at the time: TNI Sergeant, Intelligence Section of KODIM 1636 in Maliana
14. Name: **Miguel SOARES a.k.a. BOTAK**  
Place of birth: East Timor  
Age/Date of birth: Approximately 50 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in the Republic of Indonesia  
Occupation at the time: TNI Sergeant, Intelligence Section of KODIM 1636 in Maliana
15. Name: **Jose SIMAO a.k.a. ATI BERE**  
Place of birth: East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in the Republic of Indonesia,  
Occupation at the time: TNI Sergeant, Intelligence Section of KODIM 1636 in Maliana

16. Name: **Rui BERE TAI**  
Place of birth: East Timor  
Age/Date of birth: Approximately 30 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in the Republic of Indonesia,  
Occupation at the time: TNI Corporal, Intelligence Section of KODIM 1636 in Maliana
17. Name: **Romeu DA SILVA a.k.a. BERE MALI**  
Place of birth: East Timor  
Age/Date of birth: Approximately 35 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in the Republic of Indonesia,  
Occupation at the time: TNI Corporal, Intelligence Section of KODIM 1636 in Maliana.
18. Name: **Domingos DOS SANTOS DE CARVALHO**  
Place of birth: East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
19. Name: **Budi SUSILO**  
Place of birth: Unknown  
Age/Date of birth: Approximately 45 years old  
Sex: Male  
Nationality: Indonesian  
Address: Believed to be in the Republic of Indonesia  
Occupation at the time: Maj (Pol), KAPOLRES of Bobonaro District.
20. Name: **Clementino DA COSTA a.k.a. DA SILVA**  
Place of birth: East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in the Republic of Indonesia  
Occupation at the time: POLRI Sgt, POLRES in Maliana
21. Name: **Guilherme DOS SANTOS**  
Place of birth: East Timor  
Age/Date of birth: Approximately 50 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to live in Republic of Indonesia.  
Occupation at the time: Head of Civilian Administration in Bobonaro District



22. Name: **Joao DA SILVA TAVARES**  
Place of birth: East Timor  
Age/Date of birth: Approximately 72 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, the Republic of Indonesia  
Occupation at the time: Head of the Integration Fighting Forces in East Timor
23. Name: **Jorge TAVARES**  
Place of birth: East Timor  
Age/Date of birth: Approximately 45 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, the Republic of Indonesia  
Occupation at the time: Head of FPKD for Bobonaro District
24. Name: **Natalino MONTEIRO GONCALVES**  
Place of birth: East Timor, Ritabou Village  
Age/Date of birth: 5 June 1963  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in Jakarta, Republic of Indonesia  
Occupation at the time: Commander of the Dadurus Merah Putih militia in Maliana
25. Name: **Marcos TATO MALI**  
Place of birth: East Timor  
Age/Date of birth: Approximately 35 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, the Republic of Indonesia  
Occupation at the time: Deputy Commander of the Dadurus Merah Putih militia in Maliana
26. Name: **Ruben TAVARES**  
Place of birth: East Timor  
Age/Date of birth: Approximately 35 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: Commander of the Saka Loromonu militia in Batugade

27. Name: **Ruben MONTEIRO GONCALVES**  
Place of birth: East Timor  
Age/Date of birth: Approximately 35 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: Deputy Commander of the Saka Loromonu militia
28. Name: **Antonio DE JESUS a.k.a. METAN a.k.a. BREOK**  
Place of birth: Originally from Oeleu, East Timor  
Age/Date of birth: Between 35 and 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
29. Name: **Inacio DE CONCENCAO a.k.a. METAN**  
Place of birth: East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
30. Name: **Joao (LNU) a.k.a. LAHO**  
Place of birth: East Timor  
Age/Date of birth: Approximately 35 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
31. Name: **Luis CARDOSO a.k.a. METAN**  
Place of birth: East Timor  
Age/Date of birth: Approximately 47 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
32. Name: **Armando SOARES a.k.a. LEKI TAE**  
Place of birth: East Timor  
Age/Date of birth: Approximately 55 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member

33. Name: **Joao COLI**  
Place of birth: East Timor  
Age/Date of birth: Approximately 50 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
34. Name: **Alfredo ASA MAU**  
Place of birth: East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
35. Name: **Francisco BERE MASAK**  
Place of birth: East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
36. Name: **Fernando (LNU)**  
Place of birth: Originally from Marobo Village, East Timor  
Age/Date of birth: Approximately 35 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
37. Name: **Jacinto (LNU)**  
Place of birth: Originally from Adsabe Village, East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
38. Name: **Joao BAPTISTA a.k.a. GOMBLO**  
Place of birth: East Timor  
Age/Date of birth: Approximately 30 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member

39. Name: **Joao KOMETA**  
Place of birth: East Timor  
Age/Date of birth: Approximately 30 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
40. Name: **Jose LOPES a.k.a. BESI BORO**  
Place of birth: East Timor  
Age/Date of birth: Approximately 35 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
41. Name: **Luis MALI DAO**  
Place of birth: East Timor  
Age/Date of birth: Approximately 30 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
42. Name: **Marito MOREIRA a.k.a. LETO BERE**  
Place of birth: East Timor  
Age/Date of birth: Approximately 30 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
43. Name: **Mateus MONIZ a.k.a. BREOK a.k.a. SULIMEA**  
Place of birth: East Timor  
Age/Date of birth: Approximately 35 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
44. Name: **Leonito MARTINS**  
Place of birth: East Timor  
Age/Date of birth: Approximately 35 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member



45. Name: **Manuel CANCEL**  
Place of birth: East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
46. Name: **Rui KELE**  
Place of birth: East Timor  
Age/Date of birth: Approximately 20 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
47. Name: **Elias PEREIRA a.k.a. BERESIGA**  
Place of birth: Originally from Marobo, East Timor  
Age/Date of birth: Approximately 27 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
48. Name: **Afonso DAVIDSON**  
Place of birth: Originally from Marobo, East Timor  
Age/Date of birth: Approximately 30 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
49. Name: **Leonito MONIZ**  
Place of birth: East Timor  
Age/Date of birth: Approximately 30 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
50. Name: **MAU XESTA**  
Place of birth: East Timor  
Age/Date of birth: Approximately 30 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member

51. Name: **Bernardino (LNU)**  
Place of birth: Originally from Memo. East Timor  
Age/Date of birth: Approximately 35 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
52. Name: **Zernias (LNU)**  
Place of birth: East Timor  
Age/Date of birth: Approximately 30 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
53. Name: **Zeprino (LNU)**  
Place of birth: East Timor  
Age/Date of birth: Approximately 30 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
54. Name: **Joao DOS SANTOS NUNES a.k.a. R.T.**  
Place of birth: East Timor  
Age/Date of birth: Approximately 40 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
55. Name: **Aprecio MALI DAO a.k.a. CIPRIANO**  
Place of birth: East Timor  
Age/Date of birth: Approximately 30 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member
56. Name: **Daniel (LNU)**  
Place of birth: Originally from Haglai  
Age/Date of birth: Approximately 30 years old  
Sex: Male  
Nationality: East Timorese  
Address: Believed to be in West Timor, Republic of Indonesia  
Occupation at the time: The Dadurus Merah Putih militia member

57.	Name:	Baptista DE SOUSA
	Place of birth:	East Timor
	Age/Date of birth:	Approximately 35-40 years old
	Sex:	Male
	Nationality:	East Timorese
	Address:	Believed to be in West Timor. Republic of Indonesia
	Occupation at the time:	The Dadurus Merah Putih militia member

### III. INTRODUCTORY STATEMENT OF FACTS

1. A widespread or systematic attack was committed against the civilian population in East Timor in 1999. The attack occurred during two interconnected periods of intensified violence. The first period followed an announcement on 27 January 1999 by the Government of Indonesia, that the people of East Timor would be allowed to choose between autonomy within the Republic of Indonesia or independence. This period ended on 4 September 1999, the date of the announcement of the result of the popular consultation in which 78.5 per cent voted against the autonomy proposal. The second period followed the announcement of the result of the popular consultation on 4 September through 25 October 1999.
2. The widespread or systematic attack was part of an orchestrated campaign of violence, that included among other things incitement, threats to life, intimidation, unlawful confinements, assaults, forced displacements, arsons, murders, rapes, torture and other forms of violence carried out by members of the pro-autonomy militia, members of the Indonesian Armed Forces, ABRI (*Angkatan Bersenjata Republik Indonesia*) renamed TNI (*Tentara Nasional Indonesia*) in 1999, and members of the Indonesian Police Forces, POLRI (*Kepolisian Republik Indonesia*) with the acquiescence and active participation of civilian and military authorities.
3. With the backing of the TNI and the Civil Administration, more than twenty-five militia groups operated throughout East Timor. Their goal was to support autonomy with Indonesia. The Integration Fighters Forces, PPI (*Pasukan Perjuangan Integrasi*) under the command of Joao Da Silva Tavares and Eurico Guterres was the umbrella organization under which these militia groups were organized. With the acquiescence of TNI and the Civil Administration, PPI commanders issued, called upon and incited militia groups and their members to intimidate independence supporters and those perceived to support them. The militia groups participated in widespread or systematic attacks, acting and operating with impunity.
4. Militia groups were an armed wing of the United Forum for Democracy and Justice, FPDK (*Front Perdamaian, Demokrasi dan Keadilan*) established at a



meeting at Makhota Hotel in Dili on 27 January 1999 by Pro-integration elements in East Timor as a political front for the integrationist cause,

5. The widespread or systematic attack was directed against civilians and predominantly against individuals who supported or were perceived to support independence and resulted in lethal injury including death by sharp force injury, gun shot injury, blunt force trauma or a combination of the three.
6. As part of the widespread or systematic attack against the civilian population, the militia destroyed property including houses and livestock belonging to the civilian population.
7. The widespread or systematic attack resulted in the internal displacement of thousands of persons. Additionally, the forcible transfer of the civilian population within East Timor and deportation to West Timor - Indonesia was an essential feature of the orchestrated campaign of violence.
8. Under terms of the 5 May 1999 Agreements, between Indonesia, Portugal and the United Nations on the popular consultation, the Indonesian security authorities had the responsibility to ensure a safe environment devoid of violence or other forms of intimidation as well as the general maintenance of law and order before and during the popular consultation. The TNI and POLRI failed to meet these obligations.
9. The Indonesian Military in East Timor consisted of both regular territorial forces, BTT (*Batalyon Teritorial*) and Special Combat Forces, i.e. the Strategic Reserve Command, KOSTRAD (*Komando Strategis Angkatan Darat*) and Special Forces Command, KOPASSUS (*Komando Pasukan Khusus*) all of which had units, staff officers and soldiers stationed in East Timor.
10. From February 1999 to October 1999, the Indonesian Police Force, POLRI the state agency for upholding the law and public order were also present in East Timor. It included a Mobile Police Brigade, BRIMOB (*Brigade Mobil*), whose units and members were stationed in East Timor, including in the Bobonaro District.
11. From June to September 1999 special POLRI units known as the Kontingen Loro'Sae operated in East Timor. Kontingen Loro'Sae was created in order to assist the regular POLRI units in performing their tasks defined under the 5 May agreement.

## II. SPECIFIC STATEMENTS OF FACTS

### A. Background facts for Bobonaro District

12. Bobonaro District is one of the thirteen districts of East Timor, situated at the northwestern part of the country, along the border with West Timor, a part of



Nusa Tenggara Timur Province of Indonesia. In 1999 Bobonaro District consisted of six sub-districts: Atabae, Balibo, Bobonaro, Cailaco, Lolotoe and Maliana.

13. Maliana town is recognized as the capital of the district. In 1999 all district authorities including the District Administration Office, PEMDA (*Pemerintah Daerah II*), the District Military Command, KODIM (*Komando Distrik Militer*), the District POLRI Headquarters, POLRES (*Polisi Resort*) were situated in Maliana.
14. In 1999 **Guilherme DOS SANTOS (21)** was the Head of the District Administration (*BUPATI*) of Bobonaro District.
15. **Guilherme DOS SANTOS (21)** had responsibility for governing Bobonaro District and for upholding and implementing the law. He also had responsibility for ensuring peace, security and administration of justice throughout Bobonaro District.
16. Throughout 1999 and up until 24 August 1999, **Lt Col. Burhanuddin SIAGIAN (1)** was the TNI District Military Commander, DANDIM (*Komandan Distrik Militer*) and was based at KODIM 1636 in Maliana, District of Bobonaro. During this time, **Lt Col. Burhanuddin SIAGIAN (1)** exercised command and control over all TNI members stationed in the District of Bobonaro.
17. From 24 August 1999 throughout September 1999 Lt Col. Bambang G. SUPRYANTO (2) was the DANDIM in Bobonaro District and was based at KODIM 1636 in Maliana. During this time, **Lt Col. Bambang SUPRIANTO (2)** exercised command and control over all TNI members stationed in the District of Bobonaro.
18. Throughout 1999 **Maj. (Pol) Budi SUSILO (19)** was the District Police Commander, KAPOLRES (*Kepala Polisi Resort*) in the district of Bobonaro and was based at the POLRES in Maliana. During this time he exercised command and control over POLRI officers stationed in this area.
19. The District Government Council, MUSPIDA (*Musyawarah Pimpinan Daerah*.) in Bobonaro District consisted of the BUPATI (who was a head of this body), the DANDIM and the KAPOLRES. The MUSPIDA discussed all programs, problems and progress in the District. It was the executive group of the district and had the responsibility and obligation to govern Bobonaro District.
20. From April 1999 **Jorge TAVARES (23)** was the Head of the FPKD for Bobonaro District. He had authority over all FPKD members in Bobonaro District.
21. From approximately March to September 1999, **Lt SUTRISNO (3)** was the Officer in Charge of Intelligence of KODIM 1636. During this time **Lt SUTRISNO (3)** exercised command and control over TNI members stationed in the District of Bobonaro.

22. Throughout 1999 up to September 1999 Lt M. YUSUF (4) was the Officer in Charge of Operations of KODIM 1636. During this time, Lt M. YUSUF (4) exercised command and control over TNI members stationed in the District of Bobonaro.
23. Throughout 1999 up to September 1999 RIZAL (5) was a soldier of the KOPASSUS Intelligent Task Force, SGI (*Satuan Tugas Inteligen*), based in Maliana. He was stationed and lived at the house of Joao DA SILVA TAVARES in Maliana.
24. During 1999 Domingos DOS SANTOS (6), Juliao LOPES (7), MAU BUTI (8), Manuel LOPES (9), Frederico M. PIRES (10), Jose BERE LAKA (11), Francisco FERNANDES (13), Miguel SOARES (14) a.k.a. BOTAK, Jose SIMAO (15), Rui BERE TAI (16), and Romeu DA SILVA (17), were TNI soldiers of KODIM 1636 in Maliana responsible for commanding of militia groups operating in and around Maliana town, Domingos DOS SANTOS DE CARVALHO (18) was a civil servant working in KODIM 1636 in Maliana, and Alvaro MALI (12) was TNI soldier of Sub-district Military Command, KORAMIL (*Komando Rayon Militer*) in Maliana.
25. During 1999 Sgt (Pol) Clementino DA COSTA (20) was a POLRI officer based at the POLRES in Maliana.
26. In 1999, the following militia groups, among others, operated in the Bobonaro District: the *Dadurus Merah Putih*, in the Sub-district of Maliana; the *Halilintar* and the *Harmoi Merah Putih*, in the Sub-district of Atabae; the *Hametin Merah Putih*, in the Sub-district of Bobonaro; the *Firmi Merah Putih* and the *Saka Loromonu*, in the Sub-district of Balibo; the *Guntur Merah Putih*, in the Sub-district of Cailaco and the *Kaer Metan Merah Putih*, in the Sub-district of Lolotoe
27. From approximately January 1999 to September 1999, Joao DA SILVA TAVARES (22) was Supreme Commander, (*PANGLIMA*) of the PPI in East Timor. During this time, Joao DA SILVA TAVARES (22) exercised command and control over the militia members operating in the District of Bobonaro.
28. From April 1999 to September 1999 Natalino MONTEIRO GONCALVES (24) was a Commander of the *Dadurus Merah Putih* (DMP) militia. Marcos TATO MALI (25) was a Deputy Commander of the DMP militia. They exercised effective authority, command and control over the DMP militia members.
29. From April 1999 to September 1999 Natalino MONTEIRO GONCALVES (24) was also a Deputy Head of FPDK in Bobonaro District.
30. From April 1999 Antonio DE JESUS (28), Inacio DE CONCENCAO (29), Joao (LNU) a.k.a. LAHO (30), Luis CARDOSO (31), Armando SOARES (32), Joao COLI (33), Alfredo ASA MAU (34), Francisco BERE MASAK (35), Fernando (LNU) (36), Jacinto (LNU) (37), Joao BAPTISTA (38), Joao KOMETA (39), Jose LOPES (40), Luis MALI DAO (41), Marito MOREIRA (42), Mateus MONIZ (43), Leonito MARTINS (44), Manuel CANCEL (45), Rui KELE



(46), Elias PEREIRA (47), Afonso DAVIDSON (48), Leonito MONIZ (49), MAU XESTA (50), Bernardino (LNU) (51), Zernias (LNU) (52), Zeprino (LNU) (53), Joao DOS SANTOS NUNES (54), Aprecio MALI DAO (55), Daniel (LNU) (56) and Baptista DE SOUSA (57) were members of the DMP militia.

31. From approximately March until September 1999 Ruben TAVARES (26) was a Commander and Ruben MONTEIRO GONCALVES (27) was a Deputy Commander of the *Saka Loromonu* (SLM) militia group in Batugade. They exercised effective authority, command and control over the SLM militia members.

## B. Strategy of pro-autonomy leaders and its executors.

32. There were two distinct phases of militia activity in Bobonaro District, which operated consecutively. The first period commenced on or around 8 April 1999, with the formal creation of the FPKD in Bobonaro District, and continued until July, when local pro-autonomy leaders became convinced that they would lose the popular consultation.
33. The first period was characterized by activities aimed at intimidating the civilian population, the objective being to force them to vote in favor of autonomy.
34. On 7 April there was a meeting in Maliana held at Joao DA SILVA TAVARES' house. All members of MUSPIDA attended the meeting as well as other pro-autonomy leaders, including Joao DA SILVA TAVARES (22), Jorge TAVARES (23) and Natalino MONTEIRO GONCALVES (24). The leaders of the FPKD for Bobonaro District were selected at this meeting.
35. On 8 April 1999 a large rally was held at the sports stadium, GOR (*Gedung Olah Ragah*) in Maliana. The formal creation of the FPKD for the District of Bobonaro was announced at the rally. Jorge TAVARES (23) was introduced as the Head of the FPKD for Bobonaro District and Natalino MONTEIRO GONCALVES (24) was introduced as his Deputy. Guilherme DOS SANTOS (21), Joao DA SILVA TAVARES (22), Lt Col. Burhanuddin SIAGIAN (1) and Lt. SUTRISNO (2) also attended the rally. The civil servants in Bobonaro district were ordered to attend by the BUPATI, Guilherme DOS SANTOS (21).
36. During the rally, Lt Col. Burhanuddin SIAGIAN (1) and Joao DA SILVA TAVARES (22) made speeches threatening to kill independence supporters. Guilherme DOS SANTOS (21) also made a statement for the pro-autonomy cause. Finally, Jorge TAVARES (23) stated his intention to create a list of civilians believed to support independence.
37. Pro-autonomy leaders then formed the DMP militia group to execute the strategy. The decision to form the DMP militia was made on 17 April 1999 at a special meeting in Joao DA SILVA TAVARES' house in Maliana. Joao DA SILVA TAVARES (22), Jorge TAVARES (23), Lt Col. Burhanuddin SIAGIAN (1),

**Lt SUTRISNO (3)** and SGI member **RIZAL (5)** attended. It was agreed that each DMP militia group would be led by TNI soldiers from KODIM 1636 in Maliana.

38. Following the meeting **Lt SUTRISNO (3)** appointed, among others the following soldiers, recruited predominantly from the Intelligence Section of KODIM 1636, to be commanders of DMP militia groups. They were: **Sgt Manuel LOPES (9)** and **Cpl Rui BERE TAI (16)**, for the upper Lahomea area of Maliana; **Cpl Romeu DA SILVA (17)**, for the lower Lahomea in Maliana including the market; **Sgt Frederico M. PIRES (10)** and **Sgt Jose BERE LAKA (11)**, for the Odomau area in Maliana; **Sgt Domingos DOS SANTOS (6)**, for the area around the Santa Cruz church in Maliana, **Sgt Juliao LOPES (7)** and **Sgt MAU BUTI (8)**, for the Holsa area in Maliana, behind the KORAMIL; **Sgt Miguel SOARES (14)**, **Sgt Jose SIMAO (15)** and **Sgt Francisco FERNANDES (13)**, for the Ritabou Village.
39. The DMP militia inauguration ceremony was held on 19 April 1999 at the football field in front of the GOR in Maliana. The ceremony was attended by, among others: **Guilherme Dos SANTOS (21)**, **Lt Col. Burhanuddin SIAGIAN (1)**, **Lt SUTRISNO (3)**, **Joao DA SILVA TAVARES (22)**, **Jorge TAVARES (23)**, **Natalino MONTEIRO GONCALVES (24)**, **Ruben TAVARES (26)**, **Ruben MONTEIRO GONCALVES (27)**, as well as the main militia commanders from other districts. The TNI, POLRI, Civil Servants, PNS (*Pegawai Negeri Sipil*) were ordered to attend, along with many hundreds of others, including members of the public .
40. **Lt SUTRISNO (3)** introduced the leaders of the DMP militia to the crowd, whilst pointing to **Guilherme DOS SANTOS (21)**, **Lt Col. Burhanuddin SIAGIAN (1)**, **Joao TAVARES** and **Jorge TAVARES (23)**. He then introduced the TNI soldiers who had been appointed as DMP militia commanders.
41. **Joao DA SILVA TAVARES (22)** then gave a speech, encouraging people to support autonomy. At the end of his speech, and after a traditional medicine man had cut the throat of a live chicken, TAVARES said 'you must follow autonomy; if you do not we will cut you like this chicken'.
42. After **Joao DA SILVA TAVARES (22)** had finished speaking, **Lt Col. Burhanuddin SIAGIAN (1)** warned the audience: 'those who don't follow Autonomy will be finished. I will be the last person to leave, but before we leave we will destroy this place'.
43. From the 19 April ceremony the DMP militia groups were established in all villages of the Maliana Sub-district
44. The second phase of the pro-autonomy strategy to manipulate the outcome of the Popular Consultation was developed in July 1999. This was when the Pro-autonomy leaders suspected that the results of the popular consultation would not be in their favor.



45. This strategy included plans to carry out a "scorched earth" policy in the event that Autonomy was rejected.
46. This second phase ran from July 1999 to 25 October 1999, the day on which the TNI finally withdrew from East Timor.
47. On 17 July 1999 **Joao DA SILVA TAVARES (22)** sent a letter to commanders of militia groups operating in East Timor. In the event of Autonomy being rejected, he ordered the militia commanders to launch a "sweep operation" against independence supporters; this included all males and females from the age 15 years, without exceptions.
48. On 10 August 1999 there was a meeting held at the PEMDA Office in Maliana chaired by **Guilherme DOS SANTOS (21)**, Lt Col. **Burhanuddin SIAGIAN (1)**, **Joao DA SILVA TAVARES (22)**, **Jorge TAVARES (23)** and Lt **SUTRISNO (3)**. The meeting was attended by most of the fifty-one village chiefs from Bobonaro District, militia commanders including **Natalino MONTEIRO GONCALVES (24)**, **Marcos TATO MALI (25)**, **Ruben TAVARES (26)**, **Ruben MONTEIRO GONCALVES (27)** and TNI members including: **Sgt Juliao LOPES (7)** and **Sgt Domingos DOS SANTOS (6)**.
49. Lt **SUTRISNO (3)** and **Marcos TATO MALI (25)** presented the policy of pro-autonomy groups in the Bobonaro District, emphasising the role of the DMP militia and TNI during the remaining popular consultation campaign period. The main objective of the policy was to terrorize people in the Bobonaro District and prevent them taking part in pro-independence campaigns and supporting pro-independence groups.
50. There was also a program regarding the post-consultation period: Lt **SUTRISNO (3)** and **Marcos TATO MALI (25)** stated that from 1 September 1999, militia members and TNI soldiers would provoke groups and individuals involved in the pro-independence cause in order to gain a reaction from the Armed Forces for the National Liberation of East Timor, *FALINTIL (Forças Armadas de Libertação Nacional de Timor Leste)*, so that they could then mobilize the militia to kill pro-independence people in the Bobonaro region. This program was adopted at the meeting.
51. **Guilherme DOS SANTOS (21)** and **Joao DA SILVA TAVARES (22)** announced, that after the popular consultation there would be a "sweep operation" conducted in the Bobonaro District. **Jorge TAVARES (23)** said that there should be a list of pro-independence supporters prepared and distributed to DMP militia commanders and to the Intelligence Section of KODIM 1636. Lt Col. **Burhanuddin SIAGIAN (1)** said that if such a list was prepared, he would provide trusted militia members with weapons.

## C. Support of pro-autonomy strategy.

### a) Funding of militia groups.

52. As a part of the FPDK strategy for pro-autonomy, a national policy of funding the militias was created. To provide this funding **Guilherme DOS SANTOS (21)** ordered the diversion of funds from the Bobonaro District Social and Development budget to the leaders of FPDK and PPI, which were distributed in turn to militia commanders.
53. Between July 1999 and September 1999, **Guilherme DOS SANTOS (21)** made regular payments to the FPDK, PPI and to all of the militia groups in the Bobonaro District.
54. Each month militia commanders provided the PEMDA office with a list of militia members under their command. The commanders then received Rp 30,000 for each militia member registered, to be paid as a monthly salary; while the militia members generally received their wages only once during this period.
55. The TNI soldiers in charge of each militia group received Rp 200,000 every month, which was in addition to their TNI salary. These additional wages were paid by **Joao DA SILVA TAVARES (22)** at his house.

### b) Supplying the DMP militia with staff.

56. Apart from providing funding for the militia members, the District administration under **Guilherme DOS SANTOS (21)** and the TNI under Lt Col. **Burhanuddin SIAGIAN (1)** encouraged their staff to openly support Autonomy, to collaborate with the DMP militia and to participate in militia activity, including the commission of criminal acts.
57. **Guilherme DOS SANTOS (21)** encouraged civil servants to become members of the FPDK, including **Jorge TAVARES (23)** who was also the President of the District Representative Council, DPRD II (*Dewan Perwakilan Rakyat Daerah*), **Manuel GAMA** who was the head of the Finance Department in the PEMDA office, **Jose MONIS DA CRUZ** - the head of Development Department and **Antonio MENDONCA** who was 1st Assistant to the BUPATI.
58. Some of the civil servants, including **Leonito MARTINS (44)**, **Bernardino (LNU) (51)** and **Joao (LNU) a.k.a. LAHO (30)** became the DMP militia members.
59. Civil servants who became members of the militia and/or the FPDK dedicated their time to the service of the militia and/or the FPDK, whilst still receiving regular monthly salaries and other benefits from the civilian administration.
60. In July and August 1999 UNAMET officers wrote two letters to the Indonesian

authorities. The letters requested an end to TNI involvement in militia activity, and called for the officers responsible to be removed from the districts. In Bobonaro district, UNAMET identified **Lt Col. Burhanuddin SIAGIAN (1)** and **Lt SUTRISNO (3)**.

61. On 24 August 1999 the Bobonaro DANDIM's successor **Lt Col. Bambang G. SUPRYANTO (2)** arrived in Maliana; **Lt Col. Burhanuddin SIAGIAN (1)** and **Lt SUTRISNO (3)** remained in the Bobonaro District until after the popular consultation, continuing to command and control over their subordinates.

#### **c) Other support**

62. Between January 1999 and September 1999, the POLRI were responsible for security, law and order and, under the terms of the 5 May agreement, for ensuring an environment conducive to holding the popular consultation. On or around 8 July 1999, the POLRI were called upon by the Secretary General of the United Nations to execute their obligations: to carry out investigations leading to the arrest, and prosecution of those engaging in criminal activities, including attacks and threats against UNAMET personnel and their property.
63. The POLRI were also called upon to prohibit civilians from carrying weapons in violation of Indonesian law, and to remove roadblocks not set up or manned by POLRI.
64. **Maj. (Pol) Budi SUSILO (19)** permitted members of the DMP militia to openly carry weapons, including rifles, to mount roadblocks and to commit acts of violence against supporters of independence with impunity. The POLRI under his command failed to prevent the militia from committing crimes or to arrest the perpetrators.

#### **D. Crimes committed between May and July 1999.**

##### **The murders of Manuel Pinto TILMAN and Abelio CARDOSO on or around 15 May 1999 near Nunura Bridge, Maliana Sub-district.**

65. Abelio CARDOSO and Manuel PINTO TILMAN were pro-independence supporters.
66. On the 8th May 1999 members of the TNI, including **Sgt Domingos DOS SANTOS (6)**, **Sgt Juliao LOPES (7)** and **MAU BUTI (8)**, and the DMP militia, including **Antonio DE JESUS (28)** and **Inacio DE CONCENCAO (29)**, conducted an operation in the sub-district of Bobonaro to intimidate and threaten the population to influence them to vote for Autonomy in the Popular Consultation, and to arrest and kill independence supporters. This group traveled through Oeleu, Mapeop, Sibuni, Omelai, Oalgomo and then to Lour.



67. On arrival in Lalebol TNI members **Sgt Juliao LOPES (7)**, **Sgt Domingos DOS SANTOS (6)** and **Sgt MAU BUTI (8)** arrested Manuel TILMAN. He was accused of being a FALINTIL member, he was then beaten by TNI members including **Sgt Juliao LOPES (7)**, **Sgt Domingos DOS SANTOS (6)**, and militia members including, **Antonio DE JESUS (28)**, and **Inacio DE CONCENCAO (29)**.
68. A short time later Abelio CARDOSO was also arrested in Lalebol and accused of being a FALINTIL supporter. TNI members **Sgt Juliao LOPES (7)**, **Sgt Domingos DOS SANTOS (6)** and **Sgt MAU BUTI (8)** also beat Abelio CARDOSO.
69. Abelio CARDOSO and Manuel PINTO TILMAN were then taken to the Loumea river where they were beaten with an electrical cable by a militia member.
70. Both victims were brought to Bobonaro town.
71. On or about 15 May 1999 the victims were taken from Bobonaro by the DMP militia group including, TNI members **Sgt Domingos DOS SANTOS (6)**, **Sgt MAU BUTI (8)**, **Domingos DOS SANTOS DE CARVALHO (18)**, and the DMP militia members **Inacio DE CONCENCAO (29)** and **Joao (LNU) a.k.a. LAHO (30)**.
72. The victims were placed in a microlet and driven to the Nunura Bridge, Maliana Sub-district. Both victims had their hands tied, and were blind folded in the microlet.
73. After reaching the Nunura Bridge the victims were ordered out from the microlet and were brought by the TNI and militia to the edge of a gully
74. **Sgt MAU BUTI (8)** started interrogating Manuel PINTO TILMAN about his involvement in the clandestine network. **Sgt MAU BUTI (8)** then hit the victim in the lower back with the butt of his rifle, forcing the victim to his knees He then shot Manuel PINTO TILMAN in the lower left hip, and pushed the victim over the edge of the gully.
75. **Sgt MAU BUTI (8)** then started interrogating Abelio CARDOSO. He then placed the muzzle of his gun against Abelio CARDOSO's ear and shot him through the head. The victim rolled down into the gully
76. **Inacio DE CONCENCAO (29)** then climbed down into the gully and stabbed both victims in the chest.
77. Manuel PINTO TILMAN and Abelio CARDOSO died from their wounds. The following morning villagers discovered the bodies and buried them.



#### Attack on the UNAMET compound on 29 June 1999 in Maliana.

78. On the 27 June 1999 members of the United Nations Mission in East Timor, UNAMET, were deployed to the Bobonaro District. The UNAMET Office then commenced operations in accordance with its mandate. The Headquarters for UNAMET were housed on the Maliana-Cailaco road, directly opposite the GOR sports stadium, 100 m from the Maliana Sub-district Police Headquarters, POLSEK (*Polisi Sektor*).
79. After their arrival in Bobonaro District, UNAMET was subjected to intimidation and attacks against its staff and buildings. The attacks were carried out by TNI led DMP militia members. The pretext given for these actions was that UNAMET were not impartial, favoring the Pro-Independence side.
80. On the morning of 29 June 1999 members of the DMP militia groups from Ritabou and Raifun, along with TNI members, attacked the UNAMET office by throwing large stones at both persons and the premises. A film crew from the Australian Broadcasting Commission (ABC) filmed the attack, until the lens on their camera was damaged by a rock; one of the UNAMET District Electoral Officers (DEO's) was injured in the attack. The victim was transported to Dili for medical treatment. The UNAMET office and vehicles were damaged, and as result non-essential UNAMET staff were evacuated to Dili.
81. POLRI officers from an armed detachment, who guarded the UNAMET office 24 hours a day, were present during the attack, and failed to take any action to prevent it, or to arrest those militia members involved.

#### **E. Crimes committed between July 1999 and the announcement of the results of the popular consultation on September 4, 1999.**

##### Attacks on pro-independence students on 18 August 1999 in Maliana.

82. Members of the pro-independence students' movement came to Maliana during July 1999 in order to campaign for independence. These students were housed in three locations: the house of a prominent pro-independence supporter, Anacleto BARRETO, where they established an office of the Young Lorico Heroes, JLA (*Juventudes Lorico Assuwain*); the church owned Don Bosco complex, and the office of the Student's Information Centre, CIS (*Centro Informacao Studentes*) in Maliana.
83. On 18 August 1999, at approximately 0830 hrs, a convoy of vehicles carrying DMP militia members entered Maliana town from the direction of Ritabou Village. As the convoy entered Maliana, the DMP militia took over the streets shouting: 'UNAMET go home' and 'UNAMET is not neutral'.
84. The DMP members campaigning around Maliana town attacked the newly established CIS office. During the attack Lt M. YUSUF (4) directed the militia,

who were armed with traditional weapons. The CIS office was ransacked: property and records were stolen and five people were wounded.

85. The POLRI arrived 20 minutes into the attack, after travelling the 500 metres from the POLRES. When the POLRI arrived they fired their guns into the air, with the attack continuing unabated. Despite witnessing the attack the POLRI failed to make any arrests.
86. The Militia groups proceeded to block all roads around Maliana town. Armed militia surrounded the UNAMET Office, which contained UNAMET staff, international journalists and electoral observers, threatening to attack it. As a result, preparations were made to evacuate UNAMET staff and the other Internationals.
87. Militia paraded through Maliana brandishing weapons despite a large POLRI presence. The militia then drove past the houses of independence supporters in trucks. The houses of several independence supporters were ransacked by the militia.
88. The TNI and DMP militia members then drove to the Don Bosco complex. They shot at the students with automatic weapons, causing them to flee.

**The murder of Augusto MARTINS on 18 August 1999, in Buipira Sub-village, Lahomea Village, Maliana Sub-district.**

89. From April 1999 TNI Sgt Manuel LOPES (9) was a commander of the DMP militia group operating in Lahomea Village, Maliana Sub-district. In August 1999 the DMP militia sentry post (*Pos Jaga*) was located at the house of TNI Sgt Manuel LOPES in Buipira sub-village, Village of Lahomea
90. In 1999 Augusto MARTINS was a student at the University in Dili and a member of pro-independence movement.
91. In August 1999 he visited his family in Tapo. In the morning of 18 August 1999 he was traveling from Tapo to Maliana by microlet
92. On 18 August 1999 at around 0800 hrs during a roll call (*Apel*) held at the POS JAGA in Buipira Lahomea, the DMP militia members present were instructed by two TNI soldiers Sgt Miguel BARRETO and Sgt MAU BUTI, to search all vehicles passing the *Pos Jaga* for suspected independence supporters and to arrest them.
93. At the same time Sgt Manuel LOPES (9) attended a briefing presented by Lt SUTRISNO (3) at KODIM 1636 in Maliana
94. After the meeting Sgt Manuel LOPES (9) returned to the *Pos Jaga*.

95. DMP Militia at the *Pos Jaga* searched a number of vehicles. One of these vehicles was the microlet in which Augusto MARTINS was traveling. Augusto MARTINS was arrested by the DMP militia under the command of Sgt Manuel LOPES (9), and brought to his house. The victim was tied to a chair and questioned. He was then taken to an empty house located next to Sgt Manuel LOPES' house. At the house DMP militia, including Antonio DE JESUS (27), Luis CARDOSO (31), Armando SOARES (32), Joao COLI (33), Alfredo ASA MAU (34) and Francisco BERE MASAK (35), beat Augusto MARTINS for several hours. Augusto MARTINS was also stabbed. He died later that day from the injuries he sustained.
96. Later that evening Augusto MARTINS body was removed from the house and carried by DMP militia members to a dry watercourse, located 200m from TNI Sgt Manuel LOPES' house.
97. UN CIVPOL accompanied POLRI to the location, where the body of Augusto MARTINS was recovered. The POLRI failed to conduct an investigation, and took no further action in this case.

#### Beginning of the intensified campaign of persecution.

98. On 31 August 1999, POLRI officers, TNI soldiers and the DMP militia members drove around Maliana town and its villages using vehicles equipped with loudspeakers. They announced that the pro-independence supporters were to move to the POLRES compound, whereas pro-autonomy supporters were to move to the KODIM compound.
99. As of 2 September 1999 few families had left their homes to move to the POLRES compound. The DMP militia members and TNI soldiers then intensified their campaign of violence against the civilian population in Bobonaro District.
100. In the morning of 3 September 1999 the DMP militia members and TNI soldiers attacked villages in and around Maliana town. While threatening to kill the population if they failed to move to the POLRES compound, they burnt and destroyed buildings and structures including dwelling houses and government buildings, and stole or destroyed personal property including livestock.
101. Thereby people were forced to move to the POLRES compound.

#### The murders of Mateus DE CONCENCAO and Silvano MALI TALO on 2 September 1999 in Maliana.

102. Mateus DE CONCENCAO and Silvano MALI TALO were pro-independence supporters and members of the JLA. Mateus DE CONCENCAO was responsible for security of JLA members in Maliana.



103. In the afternoon of 2 September 1999 Mateus DE CONCENCAO, who was in radio contact with other JLA groups in Bobonaro District, received information that JLA members had been arrested in Balibo by TNI and militia. He called JLA members to gather at the JLA office, as he was afraid of a potential militia attack in Maliana.
104. A short time later the JLA office was surrounded by the DMP militia group and TNI soldiers including **Sgt Manuel LOPES (9)**, **Sgt Frederico M. PIRES (10)**, **Sgt Jose BERE LAKA (11)** and **Sgt Alvaro MALI (12)**. They wore civilian clothes but were armed with firearms. A group of armed BRIMOB and POLRI officers including, **Sgt (Pol) Clementino DA COSTA (20)**, were also present.
105. DMP militia members started throwing stones at the JLA building, JLA members left the office and stood on the roadway threw stones back.
106. **Sgt Manuel LOPES (9)**, **Sgt Frederico M. PIRES (10)**, **Sgt Jose BERE LAKA (11)**, **Sgt Alvaro MALI (12)** and **Sgt (Pol) Clementino DA COSTA (20)**, who were armed with rifles, opened fire into the group of JLA members.
107. Mateus DE CONCENCAO was shot by **Sgt Alvaro MALI (12)** and fell down. When on ground he was shot a second time by **Sgt Alvaro MALI (12)**.
108. Silvano MALI TALO was also shot and fell down.
109. Both victims were still alive, and their colleagues removed them from the road. Mateus DE CONCENCAO was taken to the house of Juvinal VINCENTE, and Silvano MALI TALO was taken inside the JLA office
110. Mateus DE CONCENCAO died later the same day from wounds he sustained.
111. The remaining JLA members fled from the area. DMP militia members then set fire to the JLA office in which Silvano MALI TALO was still located.
112. The burnt remains of Silvano MALI TALO were found in October 1999 in the destroyed JLA house.

#### **Attack on the Don Bosco complex.**

113. The same day at around 1700 hrs the DMP militia members and TNI soldiers attacked the Don Bosco complex and the adjoining UNAMET accommodation. Automatic gunfire was aimed over the roof of the UNAMET house with several bullets hitting the building. UNAMET staff were inside the house at the time

**The murders of Ruben BARROS SOARES and Domingos PERREIRA on 2 September 1999 in Raifun Village, Maliana Sub-district**

114. In the evening of 2 September 1999 TNI soldiers including Lt SUTRISNO, Sgt Aziz FONTES, and the DMP militia members including Joao BAPTISTA, Vitalis FERNANDES, Marito MOREIRA, Jose SOARES, Salvador SOARES, Humberto LOPES, Martinho AFONSO and Manuel (LNU), arrived at the house where Ruben B. SOARES was staying in the village of Raifun.
115. In the presence of Lt SUTRISNO and Sgt Asis FONTES the members of the militia, including Humberto LOPES, Marito MOREIRA and Vitalis FERNANDES broke into the house and dragged Ruben B. SOARES outside of the house.
116. When outside the DMP militia members, including Vitalis FERNANDES, Marito MOREIRA, Joao BAPTISTA, Salvador SOARES, Humberto LOPES, Martinho AFONSO and Manuel (LNU) stabbed the victim.
117. In addition, Manuel (LNU) smashed the head of the victim with a rock.
118. While the members of the DMP militia were attacking Ruben B. SOARES, Domingos PEREIRA came out of his house, which was located next door, and started yelling at the attackers.
119. TNI Sgt Asis FONTES then shot Domingos PEREIRA.
120. In addition, Jose SOARES, Marito MOREIRA and Vitalis FERNANDES approached the victim and stabbed him in the neck and chest.
121. Ruben B. SOARES and Domingos PEREIRA died from the injuries they sustained during the attack.

**Withdrawal of UNAMET staff from Maliana.**

122. Due to increased militia activity the majority of UNAMET CIVPOL and civilian staff had been evacuated from Maliana to Dili on 1 September 1999. On the afternoon and night of 2 September 1999 several UNAMET staff and UNAMET houses came under attack from the DMP militia in Maliana. The majority of staff were relocated to the POLRES.
123. On the morning of 3 September 1999 the DMP militia and TNI soldiers burnt houses surrounding the UNAMET house, which adjoined the Don Bosco complex and then attempted to gain entry. The remaining UNAMET staff evacuated to the POLRES.
124. The UNAMET staff, who had been gathering at the POLRES compound, watched as armed DMP militia members set fire to adjacent buildings, while armed

BRIMOB and Kontingen Loro'Sae officers gathered on the flag pole field and sang songs.

125. Kontingen Loro'Sae and BRIMOB boarded trucks and prepared to leave Maliana.
126. **Maj. (Pol) Budi SUSILO (19)** then informed the UNAMET staff that he could no longer guarantee their safety and they would have to leave.
127. All the remaining UNAMET international staff and the majority of the local staff were evacuated to Dili by road in convoy. On the journey back to Dili led by a BRIMOB truck the convoy encountered numerous armed militia roadblocks at locations including Balibo, Batugade and Atabae.

## **F. Crimes committed after the announcement of the results of the popular consultation.**

### **The POLRES compound Massacre on 8 September 1999 in Maliana.**

#### **1) Situation of refugees at the gathering places.**

128. The attacks of 2 September 1999 caused a massive displacement of the civilian population. Hundreds of villagers fled their homes, and moved to the POLRES compound in Maliana. The DMP and TNI then destroyed these villages. The POLRES compound filled with displaced persons
129. The displaced persons stayed in several locations within the POLRES: including POLRI officer's accommodation, while the others stayed in the area of the garage building, internal roadways, or erected their shelters on grounds of the POLRES compound.
130. After the POLRES compound filled, others who had been forced to leave their houses were ordered by the DMP militia members and TNI soldiers to stay in the Hospital area opposite the compound or at the GOR.
131. In the days leading up to 8 September 1999, DMP militia members entered the POLRES compound, openly carrying weapons. They visited all areas of the compound where the displaced persons were gathered. POLRI officers took no action.
132. During the period leading up to 8 September 1999, POLRI officers, as well as community leaders, prepared lists of those people gathered at the POLRES compound. It was conducted on the pretext of food delivery for all that registered. The food was never delivered.
133. On 6 September 1999 a meeting was held in the main building of the POLRES compound. This meeting was attended by, among others: **Maj. (Pol) Budi SUSILO (19)**, **Lt Col. Burhanuddin SIAGIAN (1)**, **Guilherme DOS SANTOS (21)** **Joao DA SILVA TAVARES (22)**, **Jorge TAVARES (23)**, **Lt SUTRISNO**



(3), Natalino MONTEIRO GONCALVES (24) and Marcos TATO MALI (25).

134. At the conclusion of this meeting, all displaced persons who were camped in the front, the garages and the driveway areas of the POLRES compound were instructed by the POLRI officers to move to the back of the compound. The reason provided for this relocation was that it was necessary to make room for those POLRI members arriving from the Bobonaro District POLSEKS. At the time this order was given, POLSEK members had already arrived at the POLRES.
135. After the meeting the POLRI patrols inside the POLRES compound stopped.
136. On two occasions prior 8 September Maj. (Pol) Budi SUSILO (19) told POLRI officers not to react if they heard screaming.

## 2) Preparations.

137. In the afternoon of the 8<sup>th</sup> of September 1999 TNI soldiers commanding DMP militia groups held meetings of their militia members; they were held at several locations in and around Maliana town including Holsa, Lahomea and Ritabou villages.
138. In the Ritabou village TNI Sgt Francisco FERNANDES (13) accompanied by two SGI soldiers, including RIZAL (5) drove around the village in a Toyota KIJANG vehicle used by Natalino MONTEIRO GONCALVES (24). Some militia members they met were instructed to go to Natalino MONTEIRO GONCALVES' house.
139. The people gathered at Natalino MONTEIRO GONCALVES' house included SGI RIZAL, TNI soldiers Sgt Francisco FERNANDES (13), Sgt Jose SIMAO (15), and Sgt Miguel SOARES (14); the DMP militia members included: Fernando (LNU) (36), Jacinto (LNU) (37), Joao FERNANDES, Joao BAPTISTA (38), Joao KOMETA (39), Jose SOARES (40), Luis MALI DAO (41) and Marito MOREIRA (42).
140. In the house SGI RIZAL (5) together with Natalino MONTEIRO GONCALVES (24) and Marcos TATO MALI (25) led a short briefing for the militia.
141. SGI RIZAL (5) provided the DMP militia members with a list of names. The list included Manuel MAGALHAES – a leader of the National Council for Timorese Resistance, CNRT (*Concelho Nacional da Resistencia Timorense*), Manuel BARROS – a member of DPRD II and the CNRT leader and Domingos PERREIRA – a Village Chief (*Kepala Desa*) of the Ritabou Village. SGI RIZAL (5) then instructed the TNI and the DMP militia members to go to the POLRES, locate the people listed and kill them.

142. At the conclusion of the briefing **Natalino MONTEIRO GONCALVES (24)** provided some of militia members with samurai swords.
143. The DMP militia members were ordered into two vehicles: a Toyota Kijang and a microlet used by **Natalino MONTEIRO GONCALVES (24)**. They were driven to the Maliana KORAMIL 1636-01.
144. At the same time, the DMP militia group from Rokon gathered at Sgt Frederico M. PIRES' house; and the DMP militia group from Lahomea gathered at Sgt Juliao LOPES' house.
145. At the KORAMIL 1636-01 the DMP members from Ritabou met other militia groups who were already present including: **Sgt Manuel LOPES (7)**, **Sgt Frederico M. PIRES (10)**, **Sgt Rui BERE TAI (16)**, **Antonio DE JESUS (28)** and **Joao COLI (33)**.
146. Also present at the KORAMIL were SGI members and TNI soldiers including, but not limited to: **Lt SUTRISNO (3)**, **Lt M. YUSUF (4)**, **Sgt Domingos DOS SANTOS (6)** and **Sgt MAU BUTI (8)**.
147. The TNI and the DMP militia members were wearing pro-autonomy clothing, and had red and white banderas tied around their heads, necks or wrists.
148. **Sgt Francisco FERNANDES (13)** ordered DMP militia members to divide into several groups. Each of the separate militia groups were then given tasks by **Sgt Francisco FERNANDES (13)**. These tasks included: locating and killing identified independence supporters, and providing security cordons around the perimeter of the POLRES compound to prevent them escaping.
149. **SGI RIZAL (5)** instructed DMP militia members, in particular those who were nominated to locate and to kill independence supporters, to paint their faces black, using carbon from batteries provided by **Sgt Francisco FERNANDES (13)**.
150. Whilst the DMP militia members were painting their faces, **SGI RIZAL (5)** left the KORAMIL and traveled in the direction of the POLRES.
151. When **SGI RIZAL (5)** returned to the KORAMIL, he gathered the militia members and divided them into several groups.
152. **SGI RIZAL (5)** repeated the order to go to the POLRES, saying: 'And now we go on operation to the POLRES, and the men on the list are now staying at the POLRES'
153. **SGI RIZAL (5)** then read out the names of the victims from a sheet of paper.
154. Included in the names that **SGI RIZAL (5)** read out were Julio BARROS, former Head of Sub-district administration (*Camat*) in Maliana, and Carlos MAIA. These men were all prominent advocates of the pro-independence movement.

155. **Sgt Francisco FERNANDES (13)** then spoke to the militia groups. He told each group of militia members the names of victims who were to be killed, and their locations within the compound.
156. Then **Marcos TATO MALI (25)** reminded militia members of their duties, saying, "Now you go to POLRES and you must kill all of the people in the list".
157. When the briefing concluded the Ritabou DMP militia including: **Fernando (LNU) (36)**, **Jacinto (LNU) (37)**, **Joao FERNANDES**, **Joao BAPTISTA (38)**, **Joao KOMETA (39)**, **Jose LOPES (40)**, **Luis MALI DAO (41)**, **Marito MOREIRA (42)** got in to two vehicles: a dark colored Toyota Kijang and a microlet. They were led by **SGI RIZAL (5)**, **Sgt Francisco FERNANDES (13)** and **Sgt Jose SIMAO (15)**.
158. Other the DMP militia members: including **Antonio DE JESUS (28)** walked to the POLRES compound.

### 3) The attack on the POLRES compound.

159. When the TNI and DMP militia reached the POLRES compound they separated into several groups, in line with orders received at the KORAMIL.
160. Manuel BARROS was standing near his tent at the back of the POLRES compound, when he was surrounded by several militiamen, including **Antonio DE JESUS (28)**, **Joao KOMETA (39)**, **Mateus MONIZ (43)** and **Luis CARDOSO (31)** armed with a variety of edged weapons. The victim was stabbed to death.
161. Julio BARROS was standing near the security post building located at the front of the POLRES. He ran to the main POLRES building. He was captured inside by a group of militia including: **Leonito MARTINS (44)**, **Manuel CANCEL (45)** and **Rui KELE (46)**. They pushed the victim out of the front of the main POLRES building, and stabbed him to death
162. Domingos Goncalves PEREIRA, the Ritabou Village Chief, ran into a room inside the main POLRES building and hid inside a cupboard. Several militiamen including **Marito MOREIRA (42)**, **Joao FERNANDES**, **Joao BAPTISTA (38)**, **Elias PEREIRA (47)**, **Afonso DAVIDSON (48)** and **Joao KOMETA (39)** entered this building searching for people hiding inside. Joao FERNANDES and **Joao BAPTISTA (38)** took the victim out from the cupboard as the victim was dragged outside the front of the main POLRES building **Elias PEREIRA (47)** hit him in the back. Outside the building **Joao BAPTISTA (38)** and **Joao FERNANDES** stabbed the victim to death.
163. Jose DA COSTA GUTERRES attempted to escape from the POLRES compound through the front gate. Jose Da Costa GUTERRES was surrounded by a group of militiamen on the parade ground. He attempted to fight against them, and briefly



managed to escape. He ran into the KAPOLRES accommodation, where he hid in the kitchen. Several militia members, including **TNI Cpl Rui BERE TAI (16)** followed him inside, and stabbed him to death.

164. Jose ABEL, a CNRT member, hid together with Francisco Paixao Fatima MARTINS in the main POLRES building. They were located and dragged out the front of the main building by militia, including: **Rui KELE (46)**, **Leonito MONIZ (49)**, **Mateus MONIZ (43)** and **MAU XESTA (50)**.
165. **Rui KELE (46)**, **Leonito MONIZ (49)**, **Mateus MONIZ (43)** and **MAU XESTA (50)** then stabbed Jose ABEL to death.
166. Francisco Paixao Fatima MARTINS observed the killing of Jose ABEL. He said to the militias present "Oh God, please don't kill me, I didn't do anything wrong". One of the militia replied "No God here, I'm a God". **Rui KELE (46)**, **Leonito MONIZ (49)**, **Mateus MONIZ (43)** and **MAU XESTA (50)** then stabbed the victim to death.
167. Martinho MARQUES was standing by his tent when a DMP militia member came to him and stabbed him several times. The victim fell to the ground.
168. Martinho MARQUES attempted to stand, but he tripped and fell to the ground. **Antonio DE JESUS (28)** approached the victim and stabbed him to death.
169. Jose BARROS SOARES, 12 years old, and the son of Augustinho SOARES, a CNRT leader, was on the verandah of one of POLRI officer's accommodation, together with his sister. He was dragged from verandah by a number of militia members including **Fernando (LNU) (36)**, and **Jose LOPES (40)**. The victim was beaten and stabbed to death.
170. CNRT member Lorenzo DOS SANTOS GOMES was in the area between the POLRES garage and the POLRI accommodation, when he was captured by a group of DMP militia, including **Luis MALI DAO (41)** and **Jacinto (LNU) (37)**. The victim was stabbed to death.
171. Joaquin MONTEIRO GONCALVES a CNRT member, was hiding at the front entrance to the main POLRES building. A group of militia members, including **Bernardino (LNU) (51)**, started to chase him. The victim attempted to escape but was stabbed by a militia member with a spear. He continued to run towards the flagpole where a large group of POLRI was gathered. He then ran towards the security post buildings. He reached the concrete wall adjacent to the main driveway when a group of militia including, **Bernardino (LNU) (51)** beat and stabbed the victim to death.
172. Jose Moniz DA CUNHA, who worked for UNAMET staff, was running across the area between the front one of POLRI officers's accommodation and the POLRES garage, when a group of militia, including **Jose LOPES (40)**, stabbed him to death.

173. Damiao DA CRUZ, the Tapo Village Chief, was hiding in one of the rooms in the main POLRES building. A group of militia entered the room. He was then dragged out of the room into the corridor where he was beaten and kicked. Two militia members took the victim outside the front of the main building. The militia asked if he was the Village Chief of Tapo. When the victim confirmed this, militia members beat him several times on the face. The Militia stabbed the victim to death.
174. Daniel BARRETO was walking from the direction of the main gate past the Kontingen Loro'Sae accommodation, when he was surrounded by a group of militia. One of the militia hit the victim on the back of his head with a club, and other militia, also beat the victim until he was fell to the ground. Once on the ground militia's stabbed and kicked the victim to death.
175. A young man aged approximately 20 was captured by a group of militia, including **Zernias (LNU) (52)** and **Zeprino (LNU) (53)**. The victim was beaten and then dragged in the direction of the back of the compound.
176. Alberto DA SILVA AFONSO was standing behind the garage area and in front of the Police Accommodation, when he saw a militia member who he recognized as being a member of the DMP militia in Ritabou. The militia grabbed him by the jacket and threw him towards the group of another three militia that were standing nearby. The militia stabbed the victim several times. The victim managed to run away into the room in the POLRI accommodation. He climbed into the ceiling and hid. The militia chased him, yelling 'Kill him, kill him'. When the militia entered the room they started stabbing their swords through the ceiling, in the vicinity of the victim. The victim crawled across the ceiling, away from the militia. When he was over the BRIMOB accommodation the ceiling broke and he fell down into the room, and from there he managed to escape towards the riverbed where he hid. He survived his wounds.
177. LORENZA DA CUNHA, a clandestine FALINTIL member, was near the security building. She ran and hid in one of the tents between the garage area and the POLRI accommodation. She was located there by **Leonito MARTINS (44)**. Other militia told him to 'arrest her, and we will kill her later'. **Leonito MARTINS (44)** took her to a Toyota Kijang vehicle, closed her inside and left. The victim managed to escape from the vehicle and ran in the direction of the BRIMOB accommodation. As she was being chased by militia she hid in the kitchen of the KAPOLRES accommodation. The victim met Jose DA COSTA GUTERRES hiding in the same room. She watched while he was stabbed by several militias with swords. She ran outside and hid inside the security building. Several militias located her, and dragged her into the front room. They beat and kicked her. Finally, the victim managed to escape though the window and hid in the bushes.
178. During the attack Lt SUTRISNO (3) and TNI Sergeants: Domingos DOS SANTOS (6), Frederico M. PIRES (10), Francisco FERNANDES (13), Juliao LOPES (7), MAU BUTI (8) and Jose SIMAO (15) were commanding the militia members involved.



179. The KAPOLRES Maj. (Pol) **Budi SUSILO (19)** was present at the compound and watched the attack as it took place. He failed take any action before, during and after the attack.
180. During the attack there were approximately 435 POLRI officers present at the POLRES compound. These included police officers from the POLRES, Bobonaro District POLSEKs, BRIMOB and Kontingent Loro'Sae. POLRI officers failed to take any action to protect people seeking refuge at the POLRES compound.
181. During the attack, POLRI officers physically prevented some of the people from seeking refuge in their buildings or from escaping the compound.
182. With the exception of eight-suspected pro-independence POLRI, all POLRI officers were armed during the attack. The eight POLRI had previously been relieved of their weapons.

#### **4. Disposal of the deceased.**

183. After the victims were killed, DMP militia members removed the bodies from the inside to the rear of the POLRES compound. Later other DMP militia members loaded the bodies onto a dark colored Toyota Kijang pick-up parked next to a power station. This phase was conducted under the command of **Sgt Francisco FERNANDES (13)** and **SGI RIZAL (5)**.
184. After the victims' bodies had been loaded, TNI **Sgt Francisco FERNANDES (13)** gathered all the DMP militia members from Ritabou. He divided them into two groups. One group was ordered to return to Ritabou, while the second group was ordered to get into a light colored microlet, parked with the Kijang.
185. Both vehicles drove to Batugade. **Sgt Francisco FERNANDES (13)** and **SGI RIZAL (5)** traveled in the Kijang vehicle containing the bodies.
186. On the way to Batugade one of SGI soldiers radioed **Ruben TAVARES (26)** and informed him that the bodies were being brought to his location.
187. When the vehicles arrived in Batugade, they stopped at the checkpoint located at **Ruben TAVARES'** house. **Ruben TAVARES (26)**, **Ruben MONTEIRO GONCALVES (27)** and several members of the SLM militia awaited the Kijang. They had several spades and empty rice sacks with them. The members of the SLM militia joined the militia already in the Kijang. Both groups proceeded to the beach in Batugade, located near the Old Portuguese fort.
188. On the beach the SLM militia unloaded the bodies from the Kijang onto the sand.
189. Under the command of **Ruben TAVARES (26)**, **Ruben MONTEIRO GONCALVES (27)**, **Sgt Francisco FERNANDES (13)** and **SGI RIZAL (5)**,



SLM militia members filled the empty sacks with sand. The sacks were tied to the bodies. The bodies were loaded into several fishing boats.

190. The fishing boats took the bodies out to the sea and disposed of the bodies into the ocean.

### The Mulau Massacre on 9 September 1999 in Maliana Sub-district.

#### **1) Escapees from the POLRES compound Massacre.**

191. Several of the men who survived the POLRES attack, joined together and escaped from the compound. Others including Dinis NACIMENTO escaped alone.
192. One group of escapees consisted of Carlos MAIA, Lamberto DE SA BENEVIDES and Manuel MAGALHAES, all prominent CNRT and pro-independence supporters. Dinis NACIMENTO joined with this group at the back of the POLRES.
193. A second group consisted of Abilio MARQUES VICENTE, Augusto DOS SANTOS MARQUES, Jose BARRETO, Pedro LUIS, Ernesto DA COLI, Lucas DOS SANTOS, Paul DA SILVA, Deolindo CARDOSO, Luis SOARES (a.k.a. DOS SANTOS), Jeroni LOPES and Domingos TITI MAU.
194. Both groups joined behind the school in Holsa Village.
195. They walked together along the riverbed until they got near the Soso bridge.
196. After a short discussion they decided to split into smaller groups, fearing for their safety.
197. Dinis NACIMENTO and Deolindo CARDOSO went together ahead towards Utedai Village.
198. They waited for the others on the way, but they never appeared.

#### **2) Discovery of the escapees.**

199. In the morning of 9 September 1999 DMP militia members, including TNI Sgt Miguel SOARES (14), Joao KOMETA (39), Joao DOS SANTOS NUNES (54), Daniel (LNU) (56), Aprecio MALI DAO (55) and Luis MALI DAO (41), gathered at the house of Natalino MONTEIRO GONCALVES' in Ritabou Village.
200. At about 1 pm one of the villagers came to the house of Natalino MONTEIRO GONCALVES, and informed Sgt Miguel SOARES (14) that he had discovered a group of escapees from the POLRES compound, and that they were hiding on the riverbank near Mulau Village, about 2 km from Ritabou.

201. **Sgt Miguel SOARES (14)** ordered the militia to accompany him to Mulau, where they were to kill the escapees.
202. DMP militia members including **Sgt Miguel SOARES (14)** armed with SP rifle, **Joao KOMETA (39)**, **Joao DOS SANTOS NUNES (54)**, **Daniel (LNU) (56)**, **Aprecio MALI DAO (55)** and **Luis MALI DAO (41)**, walked in the direction of Mulau Village.
203. On the way they told other militia waiting by the road with their belongings to join them.

### **3. Attack on the Mulau area.**

204. When the DMP militia group reached the area of Mulau, **Sgt Miguel SOARES (14)** ordered them to form a cordon and search the forest adjacent to the riverbank, where the escapees were suspected to be hiding.
205. **Sgt Miguel SOARES (14)** and the militia came across Manuel MAGALHAES and Carlos MAIA.
206. Manuel MAGALHAES raised his hands when **Sgt Miguel SOARES (14)** and militia members approached. **Sgt Miguel SOARES (14)** put his rifle onto Manuel MAGALHAES' chest and shot him. The victim fell to the ground and **Joao DOS SANTOS NUNES (54)** stabbed him with a samurai sword. The victim died.
207. Carlos MAIA attempted to escape. He was caught by **Luis MALI DAO (41)** and **Aprecio MALI DAO (55)**, who then stabbed the victim to death.
208. **Sgt Miguel SOARES (14)** and the Militia walked towards the river, leaving the victim's body at the scene.
209. Lamberto DE SA BENEVIDES, Abilio MARQUES VICENTE, Augusto DOS SANTOS MARQUES, Jose BARRETO, Pedro LUIS, Lucas DOS SANTOS, Luis SOARES (DOS SANTOS), Jeroni LOPES and Domingos TITI MAU were discovered on the riverbank. They were surrounded by a group of DMP militia members.
210. **Sgt Miguel SOARES (14)** approached the group of escapees saying 'If you want surrender stay where you are'. He then ordered all the victims to kneel down and raise their hands. When they did so **Sgt Miguel SOARES (14)** shot each victim, one after the other, with his automatic rifle.
211. Ernesto DA COLI was arrested by **Joao KOMETA (39)** and **Daniel (LNU) (56)** on the far side of the river. They walked to the river and pushed the victim into the water. **Sgt Miguel SOARES (14)** ordered Ernesto DA COLI to come closer. When he did so **Sgt Miguel SOARES (14)** shot him. **Joao KOMETA (39)** then stabbed the victim, killing him.

212. Paul DA SILVA tried to surrender, whilst standing in the middle of the river. Sgt **Miguel SOARES (14)** shot him several times, killing him.

#### **4. Disposal of the victim's dead bodies.**

213. After the massacre one section of the DMP militia returned to Ritabou, whilst the remainder stayed at the crime scene.
214. After dark a yellow dump truck was brought to the scene. The bodies of the victims, except that of Paul DA SILVA's, were loaded onto the truck, which was manned by several DMP militia, under the supervision of a TNI soldier. The vehicle drove to Batugade.
215. On arriving in Batugade they stopped at the SLM militia checkpoint located at the house of Ruben TAVARES'. They met with **Ruben TAVARES (26)** and **Ruben MONTEIRO GONCALVES (27)**. They SLM members joined with the DMP group.
216. Then both vehicles proceeded together to the beach in Batugade where several members of the SLM militia group were already waiting.
217. The members of the SLM militia group unloaded the bodies from the truck.
218. Under the command of **Ruben TAVARES (26)** and **Ruben MONTEIRO GONCALVES (27)** the SLM militia members filled up sandbags from the beach. The sacks were tied up to the bodies. Then bodies were loaded into several fishing boats, brought to the sea and dumped.
219. The dead body of Paul DA SILVA was discovered at the Mulau area in September 1999 and buried.
220. The remains of Carlos MAIA and Lamberto DE SA BENEVIDES were discovered later at the beach in Batugade and buried.

#### **The murders of Avelino TILMAN and Victor DOS SANTOS on 9 September 1999 in Odomau Village, Sub-district of Maliana.**

221. Avelino TILMAN was a member of the CNRT in the District of Bobonaro. Victor DOS SANTOS was a pro-independence supporter.
222. In 1999 Avelino TILMAN and Victor DOS SANTOS lived in Genuhaan Sub-village, Odomau Village, Maliana Sub-district.
223. In the morning of 9 September 1999 they went on the field to tend their cows.



224. At around 10 am the Genuhaan sub-village was attacked by a combined TNI and militia group, consisting of approximately twenty men, led by **TNI Sgt Frederico M. PIRES (10)** and **TNI Cpl Romeu DA SILVA (17)**, both armed with firearms, and **Baptista DE SOUSA (57)**, who was armed with a samurai sword.
225. **Baptista DE SOUSA (57)** approached Avelino TILMAN, accusing him of being a FALANTIL coordinator.
226. **Baptista DE SOUSA (57)** then repeatedly stabbed Avelino TILMAN with a samurai sword.
227. At the same time, **TNI Sgt Frederico M. PIRES (10)** and **TNI Cpl Romeu DA SILVA (17)** opened fire in the direction of Victor DOS SANTOS, hitting him in the right leg. The victim fell to the ground.
228. **Baptista DE SOUSA (57)** then left Avelino TILMAN, approaching Victor DOS SANTOS. **Baptista DE SOUSA (57)** cut the victim in the back and in the leg with a samurai sword.
229. Then the DMP militia group left the wounded victims, and proceeded to Genuhaan Village, where they burnt down four houses
230. Avelino TILMAN was taken by his family to his house.
231. Victor DOS SANTOS was collected from the spot by local villagers, and taken to the house of Antonio DA COSTA.
232. Avelino TILMAN died from his wounds on or around 10 September.
233. On or around 14 September **Baptista DE SOUSA (57)**, together with two unidentified militia members, came looking for Victor DOS SANTOS at Antonio DA COSTA's house. He ordered the occupants to leave the house. After they had done so, **Baptista DE SOUSA (57)** entered the house, and cut the throat of Victor DOS SANTOS with a machete, causing the death of the victim.

**The Murders of Francisco TERESAO and Lemos GUTERRES on 13 September in Rokon Sub-village, Holsa Village, Maliana Sub-district.**

234. In 1999 Francisco TEREZAO and Lemos GUTIERRES were pro-independence supporters, living in Rokon sub-village, Holsa Village, in the sub-district of Maliana.
235. On 2 September DMP began burning houses in the neighborhood. Francisco TEREZAO and Lemos GUTIERRES and their families sought protection at the POLRES compound.

236. Francisco TEREZAO and Lemos GUTIERRES survived the September 8 Massacre by hiding under the mattresses of their tents.
237. At around 5am on 9 September, Francisco TEREZAO and Lemos GUTIERRES and their families returned to Rokon sub-village, seeking refuge in an empty house.
238. In the afternoon of 13 September a meeting was organized at the house of TNI Sgt Frederico M. PIRES. Several other militia members were present, including **Baptista DE SOUSA (57)** and **Joao COLI (33)**.
239. During the meeting they agreed to kill Francisco TEREZAO and Lemos GUTIERRES. In particular, **TNI Sgt Frederico M. PIRES (10)** and **Joao COLI (33)** decided to kill them. **Baptista DE SOUSA (57)** suggested that the victims should be killed without firearms, as it would make less noise.
240. On the evening of 13 September 1999 Francisco TEREZAO and Lemos GUTIERRES were having dinner at the house they were temporarily occupying.
241. They were approached by Rokon DMP militia, who ordered them to go to the house of Baptista DE SOUSA.
242. At the house they were ordered to go on a militia patrol led by **Baptista DE SOUSA (57)**.
243. **Baptista DE SOUSA (57)** and several others the DMP militia members proceeded in the direction of the area called Akadirlaram with the victims. They stopped in front of an empty house. **Baptista DE SOUSA (57)** ordered the victims into the house.
244. When they refused, **Baptista DE SOUSA (57)** ordered the DMP militia members to kill both victims.
245. The DMP militia carried out his orders, stabbing the victims to death with swords.
246. The bodies of the victims were taken to an empty house and burnt.

#### **Aftermaths of the TNI/Militia campaign.**

247. As a result of the campaign of terror executed by the TNI soldiers and the DMP militia members in Bobonaro district during 1999, September 1999 in particular, 99% of the population of Maliana Sub-District either fled to mountains or to West Timor, or were forcibly deported to West Timor.
248. The majority of the refugees had to pay drivers for the journey.

249. Many of the vehicles used previously been confiscated by TNI soldiers, who made large profits from renting the vehicles to the refugees, or taking them to West Timor.
250. More than 8,000 houses and dwellings were completely destroyed and more than 4,000 were damaged or rendered uninhabitable as a result of the TNI and DMP militia's 'scorched earth policy'.

## V. GENERAL ALLEGATIONS

251. Between April 1999 and September 1999 **Guilherme DOS SANTOS (21)**, **Joao DA SILVA TAVARES (22)**, **Jorge TAVARES (23)**, **Natalino MONTEIRO GONCALVES (24)**, **Marcos TATO MALI (25)**, **Lt Col Burhanuddin SIAGIAN (1)**, **Maj. (Pol) Budi SUSILO (19)**, **Lt SUTRISNO (3)**, **Lt M. YUSUF (4)** knew that members of the DMP militia, the TNI and the POLRI were participating in the commission of crimes in Bobonaro District.
252. From 24 August 1999 throughout September 1999 **Lt Col. Bambang G. SUPRYANTO (2)** knew that the TNI were participating in the commission of crimes in Bobonaro District.
253. Between April 1999 and September 1999 **Guilherme DOS SANTOS (21)**, **Joao DA SILVA TAVARES (22)**, **Jorge TAVARES (23)**, **Natalino MONTEIRO GONCALVES (24)**, **Marcos TATO MALI (25)**, **Lt Col Burhanuddin SIAGIAN (1)**, **Maj. (Pol) Budi SUSILO (19)**, **Lt SUTRISNO (3)**, **Lt M. YUSUF (4)** encouraged, facilitated, incited and assisted in the commission of the crimes charged in this indictment.
254. None of the TNI, POLRI or militia was punished by their superiors.
255. Between April 1999 and September 1999 the POLRI, under the authority, command and control of **Maj. (Pol) Budi SUSILO (19)**, failed to prevent, to investigate, to arrest or to prosecute militia, TNI and POLRI for murder, torture and persecution of civilians in Bobonaro District.
256. For each count charging crimes against humanity, the acts or omissions of the accused were undertaken as part of a widespread or systematic attack directed against the civilian population, and especially targeting those who were considered to be independence supporters, linked to or sympathetic to the independence cause of East Timor, with knowledge of the attack



## VI. CRIMINAL RESPONSIBILITY

### Individual Criminal Responsibility

257. For each accused charged with individual responsibility under this indictment, the accused is responsible under Section 14 UNTAET Regulation 2000/15, if he:

- "(a) commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;*
- (b) orders, solicits or induces the commission of such a crime, which in fact occurs or is attempted;*
- (c) for the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;*
- (d) in any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:*
  - (i) be made with the aim of furthering the criminal activity or criminal*
  - (ii) purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the panels; or*
  - (ii) be made in the knowledge of the intention of the group to commit the crime; ...."*

### Superior Criminal Responsibility

258. Superior criminal responsibility is the responsibility of a superior for the acts of his subordinates if the superior *"knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof"*.

## VII. THE CHARGES

Pursuant to the above, the Acting Deputy General Prosecutor charges:

### **COUNT 1: Crime Against Humanity: Torture**

By their acts or omissions in relation to the events described in paragraphs 65 to 70, **TNI Sgt Domingos DOS SANTOS (6)**, **TNI Sgt Julio LOPES (7)**, **Sgt MAU BUTI (8)**, **Antonio DE JESUS (28)** and **Inacio DE CONCENCAO (29)** are responsible as individuals for the torture of Manuel PINTO TILMAN and Abilio CARDOSO, on 8 May 1999 in Lalebol Village, Bobonaro Sub-district, Bobonaro District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a **CRIME AGAINST HUMANITY, TORTURE** a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15.

### **COUNT 2: Crime Against Humanity: Murder**

By their acts or omissions in relation to the events described in paragraphs 71 to 77, **TNI Sgt Domingos DOS SANTOS (6)**, **TNI Sgt MAU BUTI (8)**, **Domingos DOS SANTOS DE CARVALHO (18)**, **Joao (LNU) a.k.a. LAHO (30)**, and **Inacio DE CONCENCAO (29)** are responsible as individuals for the murder of Manuel PINTO TILMAN and Abilio CARDOSO on or about 15 May 1999 near Nunura Bridge, Maliana Sub-district, Bobonaro District, as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a **CRIME AGAINST HUMANITY, MURDER** a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

### **COUNT 3: Crime Against Humanity: Murder**

By their acts or omissions in relation to the events described in paragraphs 89 to 96, **TNI Sgt Manuel LOPES (9)**, **Luis CARDOSO (31)**, **Antonio De JESUS (27)**, **Armando SOARES (32)**, **Joao COLI (33)**, **Alfredo ASA MAU (34)** and **Francisco BERE MASAK (35)** are responsible as individuals or as superiors for the murder of Augusto MARTINS on 18 August 1999, in Buipira Sub-village, Lahomea Village, Maliana Sub-district, Bobonaro District, as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a **CRIME AGAINST HUMANITY, MURDER** a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

### **COUNT 4: Crime Against Humanity: Murder**

By their acts or omissions in relation to the events described in paragraphs 102 to 107, 109 to 110, **TNI Sgt Manuel LOPES (9)**, **TNI Sgt Frederico M. PIRES**

(10), TNI Sgt Jose BERE LAKA (11), TNI Sgt Alvaro MALI (12) and Sgt (Pol) Clementino DA COSTA (20) are responsible as individuals for the murder of Mateus DE CONCENCAO on or about 2 September 1999 in Maliana, Bobonaro District, as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

#### **COUNT 5: Crime Against Humanity: Murder**

By their acts or omissions in relation to the events described in paragraphs 102 to 106, 108 to 109, 111 to 112, TNI Sgt Manuel LOPES (9), TNI Sgt Frederico M. PIRES (10), TNI Sgt Jose BERE LAKA (11), TNI Sgt Alvaro MALI (12) and Sgt (Pol) Clementino DA COSTA (20) are responsible as individuals for the attempted murder of Silvano MALI TALO on or about 2 September 1999 in Maliana, Bobonaro District, as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

#### **COUNT 6: Crime Against Humanity: Murder**

By their acts or omissions in relation to the events described in paragraphs 137 to 175, 178, 183 to 190, SGI RIZAL (5), TNI Sergeants: Domingos DOS SANTOS (6), Francisco FERNANDES (13), Frederico M. PIRES (10), Manuel LOPES (9), Juliao LOPES (7), MAU BUTI (8), Jose SIMAO (15), TNI Cpl Rui BERE TAI (16), the DMP members: Antonio DE JESUS (28), Inacio DE CONCENCAO (29), Luis CARDOSO (31), Joao COLI (33), Fernando (LNU) (36), Jacinto (LNU) (37), Joao BAPTISTA (38), Joao KOMETA (39), Jose SOARES (40), Luis MALI DAO (41), Marito MOREIRA (42), Mateus MONIZ (43), Leonito MARTINS (44), Manuel CANCEL (45), Rui KELE (46), Elias PEREIRA (47), Afonso DAVIDSON (48), Leonito MONIZ (49), MAU XESTA (50), Bernardino (LNU) (51), Zernias (LNU) (52), Zeprino (LNU) (53) and the SLM militia commanders, Ruben TAVARES (26) and Ruben MONTEIRO GONCALVES (27) are responsible as individuals for the murder of an unknown number of civilians, on or about 8 September 1999 at the POLRES compound, Maliana Sub-District, Bobonaro District including Manuel BARROS, Julio BARROS, Domingos Goncalves PERREIRA, Jose DA COSTA GUTERRES, Francisco MARTINS, Martinho MARQUES, Jose ABEL, Jose BARROS SOARES, Damiao DA CRUZ, Joaquin MONTEIRO GONCALVES, Jose MONIZ DA CUNHA, Daniel BARRETO and Lorenzo DOS SANTOS GOMES as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.



#### **COUNT 7: Crime Against Humanity: Murder**

By their acts or omissions in relation to the events described in paragraphs 137 to 159, 176 to 178, **SGI RIZAL (5)**, TNI Sergeants: **Domingos DOS SANTOS (6)**, **Francisco FERNANDES (13)**, **Frederico M. PIRES (10)**, **Manuel LOPES (9)**, **Juliao LOPES (7)**, **MAU BUTI (8)**, **Jose SIMAO (15)**, TNI Cpl **Rui BERE TAI (16)** and the DMP members: **Antonio DE JESUS (28)**, **Inacio DE CONCENCAO (29)**, **Luis CARDOSO (31)**, **Joao COLI (33)**, **Fernando (LNU) (36)**, **Jacinto (LNU) (37)**, **Joao BAPTISTA (38)**, **Joao KOMETA (39)**, **Jose SOARES (40)**, **Luis MALI DAO (41)**, **Marito MOREIRA (42)**, **Mateus MONIZ (43)**, **Leonito MARTINS (44)**, **Manuel CANCEL (45)**, **Rui KELE (46)**, **Elias PEREIRA (47)**, **Afonso DAVIDSON (48)**, **Leonito MONIZ (49)**, **MAU XESTA (50)**, **Bernardino (LNU) (51)**, **Zernias (LNU) (52)**, **Zeprino (LNU) (53)** are responsible as individuals for the attempted murder of **Alberto DA SILVA AFONSO** and **Lorenza DA CUNHA** on or about 8 September 1999 at the **POLRES** compound, **Maliana Sub-District**, **Bobonaro District**, as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a **CRIME AGAINST HUMANITY, MURDER** a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

#### **COUNT 8: Crime Against Humanity: Murder**

By their acts or omissions in relation to the events described in paragraphs 199 to 218, TNI Sgt **Miguel SOARES (14)**, **Luis MALI DAO (41)**, **Joao KOMETA (39)**, **Joao DOS SANTOS NUNES (54)**, **Daniel (LNU) (56)**, **Aprecio MALI DAO (55)**, **Ruben TAVARES (26)** and **Ruben MONTEIRO GONCALVES (27)** are responsible as individuals or as superiors for the murder of an unknown number of civilians, on or about 9 September 1999 at the **Mulau area**, **Maliana Sub-District**, **Bobonaro District** including **Carlos MAIA**, **Manuel MEGALHAES**, **Lamberto DE SA BENEVIDES**, **Abilio MARQUES VICENTE**, **Augustinho DOS SANTOS MARQUES**, **Pedro LUIS**, **Jose BARRETO**, **Paul DA SILVA**, **Ernesto DA COLI**, **Lucas DOS SANTOS**, **Luis SOARES a.k.a. DOS SANTOS**, **Geronimo a.k.a. Jeroni LOPES** and **Domingos TITI MAU** as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a **CRIME AGAINST HUMANITY, MURDER** a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

#### **COUNT 9: Crime Against Humanity: Murder**

By their acts or omissions in relation to the events described in paragraphs 221 to 226, 229, 230 and 232 TNI Sgt **Frederico M. PIRES (10)**, TNI Cpl **Romeu DA SILVA (17)** and **Baptista DE SOUSA (57)** are responsible as individuals for the murder of **Avelino TILMAN** on or about 9 September 1999 in **Genuhaan Sub-village**, **Odorau Village** **Maliana Sub-District**, **Bobonaro District**, as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a **CRIME AGAINST HUMANITY, MURDER** a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

#### **COUNT 10: Crime Against Humanity: Murder**

By their acts or omissions in relation to the events described in paragraphs 221 to 224, 227 to 229, 231 **TNI Sgt Frederico M. PIRES (10)**, **TNI Cpl Romeu DA SILVA (17)** and **Baptista DE SOUSA (57)** are responsible as individuals for the attempted murder of Victor DOS SANTOS on or about 9 September 1999 in Genuhaan Sub-village, Odomau Village Maliana Sub-District, Bobonaro District, as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a **CRIME AGAINST HUMANITY, MURDER** a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

#### **COUNT 11: Crime Against Humanity: Murder**

By his acts or omissions in relation to the events described in paragraph 233, **Baptista DE SOUSA (57)** is responsible as an individual for the murder of Victor DOS SANTOS on or about 13 September 1999 in Genuhaan Sub-village, Odomau Village Maliana Sub-District, Bobonaro District, as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a **CRIME AGAINST HUMANITY, MURDER** a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

#### **COUNT 12: Crime Against Humanity: Murder**

By their acts or omissions in relation to the events described in paragraphs 234 to 247, **TNI Sgt Frederico M. PIRES (10)**, **Joao COLI (33)** and **Baptista DE SOUSA (57)** are responsible as individuals for the murder of Francisco TERESAO and Lemos GUTERRES on or about 13 September 1999 in Akadirlaram area, Maliana Sub-District, Bobonaro District, as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a **CRIME AGAINST HUMANITY, MURDER** a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

#### **COUNT 13: Crime Against Humanity: Persecution**

By their acts or omissions in relation to the events described in paragraphs 65 to 77, 80, 81, 84 to 97, 99 to 131, 136 to 190, 199 to 218, 221 to 248, 251, **Joao DA SILVA TAVARES (22)**, **Jorge TAVARES (23)**, **Natalino MONTEIRO GONCALVES (24)**, **Marcos TATO MALI (25)**, **Lt Col. Burhanuddin SIAGIAN (1)**, **Maj. (Pol) Budi SUSILO (19)**, **Lt SUTRISNO (3)**, **Lt M. YUSUF (4)** are responsible as individuals or as superiors for the persecution of civilians in various places of the District of Bobonaro as part of a widespread or systematic attack against a civilian population with knowledge of the attack and

thereby committed a CRIME AGAINST HUMANITY, PERSECUTION a crime stipulated under Section 5.1(h) of UNTAET Regulation 2000/15.

#### **COUNT 14: Crime Against Humanity: Persecution**

By his acts or omissions in relation to the events described in paragraphs 99 to 131, 136 to 190, 199 to 218, 221 to 248, 251, **Lt Col. Bambang G. SUPRYANTO (2)** is responsible as an individual or as superior for the persecution of civilians in various places of the District of Bobonaro as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, PERSECUTION a crime stipulated under Section 5.1(h) of UNTAET Regulation 2000/15.

### **VIII. VICTIMS**

The list of victims that form part of this indictment are attached as Annex "A".

### **IX. REQUEST FOR TRIAL**

The Acting Deputy General Prosecutor for Serious Crimes hereby requests the Special Panel for Serious Crimes of the District Court of Dili to try this case expeditiously.

Dated at Dili, 10 July 2003



**Essa FAAL**

Acting Deputy General Prosecutor for Serious Crimes